

**MINUTES OF THE MEETING
OF THE
BOARD OF ATHLETIC TRAINING**

June 8, 2005

CALL TO ORDER

Roll Call

Kathleen English, Chairperson, called the meeting of the Board of Athletic Training to order at 1:05 p.m., Wednesday, June 8, 2005 in Conference Room LL-D, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Health and Human Services Department of Regulation and Licensure at least twenty-four (24) hours prior to the meeting.

The following Board members, staff members, and visitors were present at the meeting:

Kathleen English, Chairperson
Jay Carlson, Vice-chairperson
Tony Martinez, Secretary

Diane Hansmeyer, Section Administrator
Delores James Credentialing Coordinator
Bradley Shaff, Assistant Attorney General
Randall Baack, Athletic Trainer

Absent: Mel Luetchens, Consumer Member

Adoption of the Agenda

English moved, seconded by Martinez, to adopt the agenda after correcting agenda item **X. A to NATA-BOC Examination**. Voting aye: English, Carlson, and Martinez. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

Approval of Minutes: June 9, 2004 & Jan. 25, 2005

Carlson moved, seconded by Martinez, to approve the minutes for the June 9, 2004 and January 25, 2005 board meeting and conference call with a correction in the spelling of iontophoresis on page 2 of the June minutes. Voting aye: Carlson, Martinez and English. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

Baack left the meeting at 1:07 p.m.

Baack re-entered the meeting at 1:35 p.m.

APPEARANCE BEFORE THE BOARD

(Closed Session)

Carlson moved, seconded by Martinez, to go into closed session at 1:07 p.m. for the purpose of discussing licensure information and administrative penalties and also to

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protect the reputation of individuals. Voting aye: Martinez, English and Carlson. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

Out of Closed Session

Carlson moved, seconded by Martinez, to come out of closed session at 2:10 p.m.

Voting aye: English, Carlson, and Martinez. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

Baack left the meeting at 2:00 p.m.

CONFLICT OF INTEREST REPORT

Shaff gave a report on conflict of interest and stated that without realizing it, board members could have a conflict of interest. He also referred to the definition of conflict of interest as found in the regulations, which is a conflict related to financial gains and making decisions as a public official that could impact the individual or their immediate family members or someone with whom they are in business. He gave some examples of regular conflicts of interest that board members might encounter and also explained the meaning of an apparent conflict of interest because it is not found in the statutes or regulations.

Shaff stated that the apparent conflict of interest is one that goes to the heart of due process and has the potential to impact disciplinary cases. He gave a hypothetical situation of a board screener who was acquainted with the person being screened and had some sort of conflict with this person several years ago. The screener recommended that the case be open for investigation without revealing that he knows the person. The case is investigated and brought to the board and the board votes to file a petition for disciplinary action and recommend sanctions. The case is then sent to the Attorney General's office. The Attorney General will work on the case and take it to a public hearing. The person who is being disciplined files an appeal, in the District Court of Lancaster County, based upon the screener being acquainted, in an unfavorable way with the person who is being disciplined. The case will then get thrown out because of a violation of due process.

He called the Board's attention to the time and money involved in investigating a case and asked board members to recuse themselves from any case whenever there is a conflict of interest or an apparent conflict of interest.

Shaff left the meeting at 2:20 p.m.

NEW MEDICARE POLICY (Attachment A)

Hansmeyer sent the Board information on the new Medicare policy and stated that this is for informational purposes only and asked if anyone had additional information about this new policy. The Board did not have anything to add and thanked staff for keeping them informed.

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2005 BUDGET/FISCAL REPORT (Attachments B 1 and 2)

Hansmeyer reviewed the fiscal report of May 31, 2005 with the Board and answered questions about several line items. She also reviewed the 2005 budget and asked them to approve it, if they thought the line items were correct, but if they have concerns she would make corrections and bring it back for approval at a later date.

2005 Budget Approval

English moved, seconded by Martinez, to approve the 2005 budget. Voting aye: Carlson, Martinez and English. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

BOARD'S OPINION ON GRADUATE ASSISTANT

Hansmeyer asked the Board to review the July 13, 1999 motion on graduate assistants because the law changed and she wanted to make sure that this opinion was still valid. She stated that earlier she did not see a problem with it because she assumed that the graduate assistant would only be working at educational institutions, professional athletic organization or amateur athletic organization, but now the regulations have changed and student athletic trainers are no longer restricted to those three locations. She stated that when we changed the rules we also changed the definition to mirror the definitions that are now in the statutes.

English stated that before the July 13, 1999 motion was made that she had concerns and discussions with the Board members and also UNK staff about the necessity of having graduate assistants licensed and having to pay the \$200 licensure fee. The Board felt that graduate assistants were still students because they were under supervision and in that type of setting they would not need to be licensed in the state of Nebraska. English stated that she had discussions with UNK staff about the changing face of the AT profession and felt that in the future, graduate assistants could be used in other settings and if they worked in clinics and labs that technically they would be out on their own and operating as professionals and at that time they would need to be licensed.

Hansmeyer stated that she could see a problem because the Board is mixing licensure and employment issues together and she felt that when a person has completed his/her educational requirements and taken and passed the examination, they should be licensed. The graduate assistantship is no longer a part of the athletic training degree. She stated that a graduate student should be licensed before offering services as an athletic trainer.

Motion

Martinez moved, seconded by Carlson, to revise the July 13, 1999 motion regarding graduate assistants, third paragraph, to read as follows: **A graduate assistant shall be licensed before offering service as an athletic trainer.** Voting aye: Martinez,

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English and Carlson. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

Hansmeyer will seek advice from the HHSS legal Division and contact Carlson before the Board decides how they want to proceed.

MISSION AND OBJECTIVES OF THE CREDENTIALING DIVISION (Attachment C)

Hansmeyer updated the Board on the missions and objectives of the Credentialing Division. She discussed the outcomes and measures for consumers, licensees, licensing boards, contractors, private or governmental agencies, provider associations, and federations and councils.

Hansmeyer stated that a survey is being developed and would be sent to the Board. The focus of the survey is "Does the Credentialing Division provide you with the tools necessary to do your job as a board member?"

The Board of Health

Hansmeyer reviewed the Board of Health's Mission and Goals. She stated that when the Credentialing Division developed their missions and objectives they based much of it on the Board of Health document. This document was given to the board for informational purposes only.

OLD BUSINESS

Phonophoresis/Iontophoresis Administration of Anti-inflammatory Medication

English wanted this subject put back on the agenda because it was discussed at an earlier meeting, but no decision was made as to whether it is within the scope of practice of athletic training.

Hansmeyer talked to HHSS legal staff about this issue and they said that they do not give advice on scope of practice issues. She explained that this issue was discussed by the physical therapy board because some practitioners were purchasing this solution in bulk and using it on patients and this is not legal because this is a prescription drug. She suggested to the PT Board that a person could bring his prescription medicine to the therapist and they could use that medicine on that particular person. This practice would be legal.

Measuring Board Effectiveness

James stated that she did not get any of the forms back, therefore, she was unable to compile data on measuring board effectiveness. The Board members mentioned that they sent their information in. James will look for it again or send them more booklets to complete. This subject will be placed on a future agenda.

NEW BUSINESS

NATA-BOC Examination (Attachment D)

English stated that the subject for the NATA-BOC examination came up because of a Japanese student who graduated and went to Denver to take the examination and in the middle of the written examination a blizzard hit and the examination was cancelled. This student could not take the examination until June of 2005 and this put him in the situation of not being able to work in his profession. The Department of Immigrations requires employment as a condition for remaining in this country.

English said that they were able to work with this individual and the company that had offered him a job as an athletic trainer. They agreed to hire him in a temporary capacity, but not as an athletic trainer, until he could take the examination and become licensed.

English said that they might talk to the Nebraska Association about sponsoring a statutory change in order to get a temporary athletic trainer license.

**Board Representative(s) for Investigative
Consultant and Complaint Screener**

English moved, seconded by Martinez, that Jay Carlson continue to be the Investigative Consultant/Complaint Screener. Voting aye: English, Carlson and Martinez. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

LAP Report

Hansmeyer gave the Board a Licensee Assistance Program (LAP) report for the time period of January – March 2005 for informational purposes only.

Election of Officers

Martinez moved, seconded by Carlson, to retain the same slate of officers: Kathleen English, Chairperson, Jay Carlson, Vice-chair, and Tony Martinez, Secretary. Voting aye: Carlson, Martinez and English. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

Board/Staff Duties and Responsibilities (Attachment E)

English moved, seconded by Martinez, to approve the board/staff duties and responsibilities. Voting aye: English, Martinez and Carlson. Voting nay: None. Absent and not voting: Luetchens. Motion carried.

These minutes have not been approved by the board

2005 Licensure Renewal Report (Attachment F)

The Board received the 2005 licensure renewal report that included information on active, inactive, lapsed and revoked licenses.

Nebraska Board of Health

Hansmeyer gave the Board information on the Website for the Nebraska Board of Health and explained that they could read the minutes as well as find out about the projects that this board is involved in.

MISCELLANEOUS

All Health Care Related Board Members Mtg.

Hansmeyer invited the Board members to attend the All Health Care Related Board Member Meeting and spoke about some of the information offered. The meeting will be held on June 10, 2005, at Mahoney State Park, Ashland, NE and will begin at 8:30 p.m. and end at 4:00 p.m.

2005 BOC Athletic Trainer Regulatory Conference (Attachment G)

The BOC Athletic Trainer Regulatory Conference will be held on July 22 and 23, 2005 at the Doubletree Omaha Downtown, Omaha, NE. Martinez and Hansmeyer will attend.

Schedule Next Board Meeting (s)

The next Board meeting will be held on June 14, 2005 in Lincoln, Nebraska.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Kathleen English, Chairperson